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OFFICE OF PETITIONS

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| In re Application of | : | |
| Abhinav Aggarwal | : | |
| Application No. 10/735,333 | : | DECISION ON PETITION |
| Filed: 12/12/2003 | : | |
| Title: System and method for universal | : | |
| identification of biological humans | : | |

This is in response to the renewed petition under 37 CFR 1.181, filed November 12, 2006, to withdraw the holding of abandonment.

On April 27, 2004, the Office mailed a Notice to File Corrected Application Papers ("Notice"), which set a two-month extendable period to reply. The application became abandoned on June 28, 2004, for failure to submit a timely response to the Notice. On January 6, 2005, the Office mailed a Notice of Abandonment. On February 1, 2005, petitioner filed a petition to revive the application. On May 1, 2006, the Office mailed a communication to petitioner, indicating that the Office could not treat the petition on the merits because petitioner did not submit the requisite petition fee. On June 22, 2006, petitioner filed a petition to withdraw the holding of abandonment due to non-receipt of the Notice, accompanied by a one page Abstract and a copy of his docket records for this application. The petition was dismissed by the decision of October 18, 2006. On November 12, 2006, petitioner filed the present renewed petition under 37 CFR 1.181.

In support of the assertion of non-receipt of the Notice, petitioner explained the arrangement he had in place with his sister for receiving and collecting mail delivered to his previous address. Additionally, petitioner provided a statement from his sister, who had lived at the address and had firsthand knowledge of the events, setting forth the manner in which correspondence from the USPTO was handled upon delivery to the previous address. Specifically, petitioner and his sister indicated where correspondence from the USPTO was kept and that a search was conducted of the location, but the Notice was not found. Lastly, petitioner demonstrated that he had an adequate system in place for tracking response due dates and established that the Notice was not entered into that system. In view thereof, the holding of abandonment is hereby withdrawn.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**. No petition fee is required.

The Office of Initial Patent Examination ("OIPE") has been advised of this decision. The matter is being referred to OIPE for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211. All questions regarding the status of the application should be referred to OIPE directly.

Christina Tartera Donnell

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